

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUL 26 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

The County of Madison v. Abbott Laboratories, Inc., et al., N.D. New York,

C.A. No. 5:05-714

County of Jefferson v. Abbott Laboratories, Inc., et al., N.D. New York,

C.A. No. 7:05-715

CONDITIONAL TRANSFER ORDER (CTO-24)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 58 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

AUG 11 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

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<http://www.jpml.uscourts.gov>

August 11, 2005

Sarah Thornton, Clerk
2300 John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, MA 02210-3002

Re: MDL-1456 -- In re Pharmaceutical Industry Average Wholesale Price Litigation

The County of Madison v. Abbott Laboratories, Inc., et al., N.D. New York, C.A. No. 5:05-714
County of Jefferson v. Abbott Laboratories, Inc., et al., N.D. New York, C.A. No. 7:05-715

Dear Ms. Thornton:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on July 26, 2005. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

Counsel for plaintiff is listed below:

THE COUNTY OF MADISON
COUNTY OF JEFFERSON
Aaron D. Hovan, Esq
Kirby, McInerney & Squire, L.L.P.
830 Third Avenue
10th Floor
New York, NY 10022

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Mecca S. Carter
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Patti B. Saris
Transferor Judges: Judge Thomas J. McAvoy; Judge Norman A. Mordue
Transferor Clerk: Lawrence K. Baerman

JPML Form 36

U.S. District Court
Northern District of New York [LIVE - Version 2.4] (Syracuse)
CIVIL DOCKET FOR CASE #: 5:05-cv-00714-NAM-DEP

The County of Madison v. Abbott Laboratories, Inc. et al
Assigned to: Judge Norman A. Mordue
Referred to: Magistrate Judge David E. Peebles
Related Case: [5:05-cv-00088-FJS-GHL](#)
Cause: 42:1396 - Tort Negligence

Date Filed: 06/08/2005
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

The County of Madison

represented by **Aaron D. Hovan**
Kirby, McInerney Law Firm
830 Third Avenue
New York, NY 10022
212-371-6600
Fax: 212-751-2540
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LEAD ATTORNEY
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Email: iramirez@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant**Alcon Laboratories, Inc.****Defendant****Allergan, Inc.****Defendant****Alpharma, Inc.****Defendant****Amgen, Inc.****Defendant****Andrx Corp.****Defendant****Astrazeneca Pharmaceuticals L.P.****Defendant****Aventis Pharmaceuticals, Inc.****Defendant****Barr Laboratories, Inc.****Defendant****Bayer Corp.****Defendant****Ben Venue Laboratories, Inc.****Defendant****Biogen Idec, Inc.****Defendant****Biovail Pharmaceuticals, Inc.****Defendant****Boehringer Ingelheim Corp.****Defendant****Boehringer Ingelheim
Pharmaceuticals, Inc.****Defendant****Bristol-Meyers Squibb Company****Defendant****Dermik Laboratories, Inc.**

Defendant**Dey, Inc.****Defendant****Eisai, Inc.****Defendant****Eli Lilly and Company****Defendant****Endo Pharmaceuticals, Inc.****Defendant****Ethex Corp.****Defendant****Forest Laboratories, Inc.****Defendant****Forest Pharmaceuticals, Inc.****Defendant****Fujisawa Healthcare, Inc.****Defendant****Fujisawa USA, Inc.****Defendant****Genentech, Inc.****Defendant****Genzyme Corp.****Defendant****Glaxosmithkline, P.L.C.****Defendant****Greenstone, Ltd.****Defendant****Hoffman-La Roche, Inc.****Defendant****Immunex Corp.****Defendant****Ivax Corp.**

Defendant**Ivax Pharmaceuticals, Inc.****Defendant****Janssen Pharmaceutica Products, LP****Defendant****Johnson & Johnson****Defendant****King Pharmaceuticals****Defendant****McNeil-PPC, Inc.****Defendant****Medimmune, Inc.****Defendant****Merck & Co., Inc.****Defendant****Monarch Pharmaceuticals, Inc.****Defendant****Mylan Laboratories, Inc.****Defendant****Mylan Pharmaceuticals, Inc.****Defendant****Novartis Pharmaceuticals Corp.****Defendant****Novo Nordisk Pharmaceuticals, Inc.****Defendant****Oncology Therapeutics Network
Corp.****Defendant****Organon Pharmaceuticals USA, Inc.****Defendant****Ortho Biotech Products LP****Defendant****Ortho-McNeil Pharmaceutical, Inc.**

Defendant**Par Pharmaceutical, Inc.****Defendant****Pfizer, Inc.****Defendant****Pharmacia Corp.****Defendant****Purdue Pharma, L.P.****Defendant****Purepac Pharmaceutical Co.****Defendant****Reliant Pharmaceuticals****Defendant****Roche Laboratories, Inc.****Defendant****Roxane Laboratories, Inc.****Defendant****Sandoz, Inc.****Defendant****Sanofi-Synthelabo, Inc.****Defendant****Schering Corp.****Defendant****Schering-Plough Corp.****Defendant****Serono, Inc.****Defendant****Smithklinebeeckam Corp.***doing business as***Glaxosmithkline****Defendant****Takeda Pharmaceuticals North
America, Inc.**

Defendant**Tap Pharmaceutical Products, Inc.****Defendant****Teva Pharmaceutical USA, Inc.****Defendant****UCB Pharma, Inc.****Defendant****UDL Laboratories, Inc.****Defendant****Warrick Pharmaceuticals Corp.****Defendant****Watson Pharma, Inc.****Defendant****Watson Pharmaceuticals, Inc.****Defendant****Wyeth**

Date Filed	#	Docket Text
06/08/2005	<u>1</u>	COMPLAINT against Alcon Laboratories, Inc., Allergan, Inc., Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Serono, Inc., Smithklinebeeckham Corp., Takeda

		Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc. (Filing fee \$ 250 receipt number ALB000911) filed by The County of Madison. (Attachments: # 1 Exhibit(s) A# 2 Exhibit(s) B# 3 Exhibit(s) C# 4 Exhibit(s) D# 5 Exhibit(s) E)(ban) (Entered: 06/09/2005)
06/08/2005		Summons Issued as to Alcon Laboratories, Inc., Allergan, Inc., Alpharma, Inc., Amgen, Inc., Andrx Corp., Astrazeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corp., Ben Venue Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey, Inc., Eisai, Inc., Eli Lilly and Company, Endo Pharmaceuticals, Inc., Ethex Corp., Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corp., Glaxosmithkline, P.L.C., Greenstone, Ltd., Hoffman-La Roche, Inc., Immunex Corp., Ivax Corp., Ivax Pharmaceuticals, Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, McNeil-PPC, Inc., Medimmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corp., Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products LP, Ortho-McNeil Pharmaceutical, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corp., Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Schering Corp., Schering-Plough Corp., Serono, Inc., Smithklinebeeckham Corp., Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corp., Watson Pharma, Inc., Watson Pharmaceuticals, Inc., Wyeth, Abbott Laboratories, Inc., Agouron Pharmaceuticals, Inc.. (ban) (Entered: 06/09/2005)
06/08/2005	2	G.O. 25 FILING ORDER ISSUED Initial Conference set for 10/6/2005 10:30 AM in Syracuse before Magistrate Judge David E. Peebles. Civil Case Management Plan due by 9/26/2005. (ban) (Entered: 06/09/2005)
07/29/2005	3	NOTICE advising of Conditional transfer order by MDL; Case styed pending further notice (kcl,) (Entered: 08/01/2005)
08/11/2005		NOTICE to plaintiff's counsel that the Rule 16 Conference scheduled for 10/6/05 at 10:30 AM in Syracuse before Judge Peebles has been canceled. This case has been stayed per the conditional transfer notice filed w/ this court 3 which states that this case will soon be transferred to the MDL. Case will remain open until the transfer order is filed w/ this court. (sal,) (Entered: 08/11/2005)

PACER Service Center			
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08/16/2005 16:39:56			
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